

1 saying, but I know there were some comments being
2 spoken that were audible.

3 BY THE COURT: Okay, I will address--

4 BY THE COURT REPORTER: --Do I need to be on the
5 record?

6 BY THE COURT: No. What I do will be on the
7 record.

8 (ALL COUNSEL WERE THEN CALLED UP TO THE BENCH
9 FOR THE FOLLOWING OUT OF THE PRESENCE OF THE JURY:)

10 BY THE COURT: How about getting Margie to do
11 this for us, and it will save me having to address it
12 in open court. There are some comments being made
13 behind Defense attorneys when they are questioning
14 folks, and I am going to put a plain clothes officer
15 over there. Would you tell Margie to tell them that
16 they can't--

17 BY MR. EVANS: --Sure.

18 BY THE COURT: That I said that they need to
19 hold it down. How about that?

20 BY MR. EVANS: Yes, sir.

21 BY MR. BILLY GILMORE: That is fine.

22 (FOLLOWING A MORNING RECESS ON OCTOBER 15, 1997,
23 TRIAL CONTINUED IN OPEN COURT AS FOLLOWS:)

24 BY THE COURT: Who will you have next, Mr.
25 Evans?

26 BY MR. EVANS: Clemmie Fleming.

27 BY THE COURT: Ms. Fleming, have you been
28 sworn?

29 BY THE WITNESS: (Ms. Fleming nods her head.)

1 BY THE COURT: Have a seat right here, please.

2 CLEMMIE FLEMING,

3 a black female being called to testify as a witness by the
4 State of Mississippi, having first been duly sworn, testified
5 as follows, to-wit:

6 BY THE COURT: State your name for the record.

7 BY THE WITNESS: Clemmie Fleming.

8 BY THE COURT: Okay, Ms. Fleming, you have got
9 to talk loud enough for that lady back there by the
10 door to hear you. Okay.

11 BY THE WITNESS: Clemmie Fleming.

12 BY THE COURT REPORTER: Spell your first name,
13 please.

14 BY THE WITNESS: C L E M M I E.

15 BY THE COURT: All right, Mr. Evans.

16 BY MR. EVANS: Thank you, Your Honor.

17 DIRECT EXAMINATION BY MR. EVANS:

18 Q. Ms. Fleming, where do you live?

19 A. 905 B Vernon.

20 BY THE COURT: Lean up to the microphone.

21 BY MR. EVANS:

22 Q. If you would, speak closer to the microphone so that
23 everybody can hear you.

24 A. 905 B Vernon.

25 Q. And in what city is that located?

26 A. Winona.

27 Q. And where are you employed?

28 A. Tyler Holmes.

29 Q. And what position do you hold at Tyler Holmes

1 Hospital?

2 A. Housekeeper.

3 Q. All right. I want to direct your attention back to
4 July 16th of 1996, the day of the murders at Tardy Furniture.
5 Do you remember that day?

6 A. Yes, sir.

7 Q. Do you remember where you were at approximately 10
8 o'clock in the morning that day?

9 A. Yes, sir.

10 Q. Would you tell the jury where you were?

11 A. Well, I was coming down to Tardy's to go pay on my
12 furniture, and I didn't, and I kept on going.

13 Q. All right, you were going to Tardy's to pay on your
14 furniture. If you would, speak a little louder. I want to
15 make sure that I hear you and everyone else hears you. Why did
16 you not stop at Tardy's to pay on the furniture bill?

17 A. Because I was pregnant at the time and I didn't feel
18 like getting out.

19 Q. All right. How far along were you?

20 A. About five or six, I think six.

21 Q. About six months?

22 A. (Witness nods her head.)

23 Q. Now--

24 BY THE COURT: Excuse me just a minute. Are
25 y'all having trouble hearing her?

26 BY SEVERAL JURORS: Yes, sir.

27 BY THE COURT: You are going to have to shut the
28 door, Mr. McIntyre. Nobody else can come in until
29 this witness gets through testifying. She talks low,

1 and the jury has got to be able to hear her.

2 BY MR. EVANS:

3 Q. Ms. Fleming, if you would, please speak as loud as
4 you can so that everybody can hear you.

5 BY THE COURT: Wait just a minute.

6 BY MR. EVANS:

7 Q. They have got to hear what you say.

8 BY THE COURT: Mr. McIntyre, just go out there
9 and tell them they can't come in.

10 (Pause while the door to the courtroom was
11 shut.)

12 BY THE COURT: Okay.

13 BY MR. EVANS:

14 Q. All right, which direction were you headed when you
15 went by Tardy Furniture?

16 BY MR. BILLY GILMORE: I object to leading, Your
17 Honor.

18 BY MR. EVANS: How is that leading?

19 BY THE COURT: Well, it's overruled.

20 BY MR. EVANS:

21 Q. You may answer the question.

22 A. It was like, you know, in front of the store, you
23 know, on North Carrollton Avenue.

24 Q. Okay. And when you didn't stop at Tardy Furniture,
25 which direction did you go?

26 A. South.

27 Q. All right, on what street?

28 A. On Church Street.

29 Q. When you turned on Church Street there at Tardy

1 Furniture, did you see anyone?

2 A. I seen Curtis.

3 Q. And who is Curtis?

4 A. Right there. (Witness points).

5 Q. You are pointing to the Defendant, Curtis Flowers?

6 A. (Witness nods her head.)

7 Q. How long had you known Curtis Flowers?

8 A. All my life.

9 Q. And you know who he is when you see him?

10 A. Yeah.

11 Q. When you turned the corner about 10 o'clock on the
12 day of the killings at Tardy Furniture and saw Curtis Flowers,
13 what was he doing?

14 A. Running.

15 Q. Now running; are we talking about jogging, or are we
16 talking about running wide open? What are we talking about?

17 A. He was running.

18 Q. Wide open?

19 A. Uh-hum.

20 Q. Was he running toward the store or away from the
21 store?

22 A. Away from the store.

23 Q. Was this as soon as you turned the corner in front
24 of Tardy Furniture that you saw him running away from the
25 store?

26 A. It was after we went up some more.

27 Q. All right, about how far from the corner of Tardy
28 Furniture was he when you first saw him running away from the
29 direction of the store?

1 A. 92 steps.

2 Q. Did you get out and step it out later?

3 A. Yes.

4 Q. Did I ask you to go back and be able to tell a jury,
5 or did someone ask you to be able to tell a jury how far away
6 it was?

7 A. No.

8 Q. You just went back on your own so that you would know
9 how far it was?

10 A. Me and John, we went down there, and he asked me if I
11 will go, you know, if I will, you know, if I could make the
12 steps and I made them.

13 Q. All right. That is John Johnson, my investigator?

14 A. Yes, sir.

15 Q. And are we talking about your steps?

16 A. Yes, sir.

17 Q. And you stepped how many steps from--

18 A. 92.

19 Q. So 92 steps of your steps from the store is where you
20 first saw Curtis Flowers that day?

21 A. Yes, sir.

22 Q. And he was running wide open running away from Tardy
23 Furniture?

24 A. Yes, sir.

25 Q. Now you say you have known him all your life. Are
26 you literally talking about all your life or just part of it?

27 A. Just part of it. You know, he stay, like his mama
28 stay down the street like, you know, from my mama's house.

29 Q. Can you tell the jury approximately how many years

1 you have known Curtis Flowers?

2 A. Every since I was old enough to know.

3 Q. Is there any doubt in your mind that the person you
4 saw running away from Tardy Furniture about 10 o'clock on the
5 day of the killings was Curtis Flowers?

6 A. I know him.

7 Q. Who was with you when you were driving down the
8 street?

9 A. Roy was driving.

10 Q. Is that Roy Harris?

11 A. Yes, sir.

12 Q. Do you have any transportation?

13 A. No, sir.

14 Q. And does Roy drive people around sometimes?

15 A. All the time.

16 Q. Can you describe Roy Harris for the jury?

17 A. He real dark and he work on cars and he be dirty all
18 time.

19 Q. All right, what I'm getting at, as far as-- is he
20 real hard of hearing?

21 A. Yes, sir.

22 Q. Did you and him-- now I can't ask you what the
23 conversation was, but did you and him have any conversation
24 about Curtis Flowers while you were driving by?

25 A. He was looking in the mirror like he was going to
26 pick him up.

27 Q. And did you say anything to Roy Harris about whether
28 or not you wanted him to pick Curtis Flowers up?

29 A. I told him to go on.

1 Q. You told him to go on.

2 Q. Yeah, it wasn't nobody but Curtis.

3 Q. And you didn't want him picking Curtis up?

4 A. Why? I paid him for a trip.

5 Q. All right. Describe to the jury where Curtis was
6 running when you first saw him?

7 A. He was, he was running from the store.

8 Q. All right, was he on the street, on the side of the
9 street?

10 A. Well, like on the side like on, you know, like on the
11 side of the walkway.

12 Q. Okay. Did he stay on the walkway, or did he ever get
13 off of the walkway?

14 A. He got off.

15 Q. And describe to the jury when he got off the walkway
16 what he did then?

17 A. He just kept running.

18 Q. All right, was he still -- at that point because the
19 jury doesn't know, at that point was he still going down the
20 street, or was he going anywhere else?

21 A. He was-- well, I seen him again.

22 Q. No, when you first saw him, did he ever cut across
23 any lots?

24 A. Yes, sir.

25 Q. Describe that to the jury so they will know what you
26 are talking about.

27 A. Well, it was this old pink house on the corner, and
28 they were tearing it down, and that's the lawn he was going
29 across.

1 Q. All right. Is there a real large oak tree on that
2 lot?

3 A. Yes, sir.

4 Q. Did you ever see Curtis Flowers close to that big oak
5 tree?

6 A. Yeah.

7 Q. And what was he doing there?

8 A. That's when I scene him running.

9 Q. Is that where he cut across the lot?

10 A. Yes, sir.

11 Q. Which direction did you go from there?

12 A. I went up Church Street.

13 Q. And after you went up Church Street, where did you
14 go?

15 A. Down Powell Street.

16 Q. All right, and from Powell Street, where did you go?

17 A. I went up the highway to Jeff's store.

18 Q. Highway 51?

19 A. Yes, sir.

20 Q. So you went on down south and then came back up north
21 on 51; is that right?

22 A. Yes, sir.

23 Q. When you were coming back up 51, did you ever see the
24 Defendant again?

25 A. I seen him coming like he was coming towards the
26 store.

27 Q. And where was he coming from at that point?

28 A. I guess from downtown.

29 Q. All right, was he coming from the town direction

1 still?

2 A. Yes, sir.

3 Q. And did you ever see him cross 51?

4 A. Yes, sir.

5 Q. And was he headed back toward his house at that time?

6 A. He was coming, he was going towards the store, so I
7 don't know if he was going home or to the store.

8 Q. All right, and the store is on the same side of 51
9 that he lives on; is that right?

10 A. Yes, sir.

11 Q. And Ms. Fleming, is there any doubt in your mind that
12 this man sitting right over here at the table is the person you
13 saw running from Tardy Furniture on the morning of the
14 killings?

15 A. I know him.

16 BY MR. EVANS: I tender the witness.

17 CROSS-EXAMINATION BY MR. BILLY GILMORE:

18 Q. Ms. Fleming, what time did you leave the house that
19 morning?

20 A. It was almost 10 o'clock.

21 Q. Okay, did Mr. Harris come to your house and pick you
22 up, or did you have to go over to his house?

23 A. I have to go to his house.

24 Q. Okay, he lives close to you?

25 A. Across the street.

26 Q. Now if you would, tell me exactly the direction you
27 drove when you left your house. What street did you go down?

28 A. I went down Front Street.

29 Q. Well, now when you left your house, what street is up

1 there?

2 A. Oh. You have to go like, leaving The Project? You
3 go down Vernon Street.

4 Q. Go down which street?

5 A. You go down Vernon.

6 Q. Vernon Street. All right, and what is the next
7 street?

8 A. Then it's, you leave, you go like-- I don't know. I
9 think it's Jackson Street.

10 Q. Okay, you have to turn off on Jackson Street. Where
11 do you go next?

12 A. Then you be like where the railroad track at, and you
13 have got to cross the track, and you be downtown.

14 Q. Okay, do you know about how far it is from your house
15 to downtown area?

16 A. No.

17 Q. Is it a good long ways?

18 A. It ain't that far.

19 Q. All right, is it as much as a mile or better?

20 A. Yes, sir.

21 Q. All right, you got Mr. Harris to carry you uptown, I
22 believe you said to pay a furniture note?

23 A. Yes, sir.

24 Q. And that was at Tardy's Furniture?

25 A. Yes, sir.

26 Q. But you didn't, didn't pay a note?

27 A. No, sir.

28 Q. Okay, at the time do you know how much you owed
29 Tardy's Furniture for your furniture?

1 A. No, sir. I was behind--

2 Q. --Do you know approximately -- beg your pardon?

3 A. I was behind.

4 Q. Do you know approximately how much you owed?

5 BY MR. EVANS: Your Honor, unless he can show
6 some relevance in how much her bill was, I would have
7 to object to that.

8 BY THE COURT: How is that relevant, Mr.
9 Gilmore?

10 BY MR. BILLY GILMORE: Your Honor, I will move
11 on.

12 BY MR. BILLY GILMORE:

13 Q. Mr.-- I mean Ms. Fleming, have you made any other
14 payments on that furniture since July the 16th, 1997?

15 A. Yes, sir.

16 Q. How many payments?

17 BY MR. EVANS: Your Honor, again I object on
18 relevance.

19 BY THE COURT: Sustained.

20 BY MR. BILLY GILMORE:

21 A. I paid a hundred dollars--

22 BY THE COURT: --You don't have to answer that,
23 ma'am.

24 BY THE WITNESS: Okay.

25 BY MR. BILLY GILMORE:

26 Q. I presume you still owe Tardy Furniture--

27 BY MR. EVANS: --Your Honor, I believe--

28 BY THE WITNESS: --Yes, sir--

29 BY MR. EVANS: --the Court has already ruled on

1 this twice--

2 **BY THE COURT:** --Mr. Gilmore, I have asked you
3 to explain how you could make that relevant, and you
4 have declined to do that, so don't pursue this line
5 of questioning. Move on.

6 **BY MR. BILLY GILMORE:**

7 Q. Had you gone uptown and gotten Mr. Harris to carry
8 you uptown before?

9 A. Yes, sir.

10 Q. On a number of occasions?

11 A. All the time.

12 Q. Okay. And on specific occasions had Mr. Harris
13 carried you up there to make furniture notes?

14 A. Yes, sir.

15 Q. Now how do you focus on this particular day compared
16 to other days that Mr. Harris carried you up there?

17 A. Because that was the day the folks got killed.

18 Q. Okay, so you look back at that?

19 A. (Witness nods her head.)

20 Q. Okay, how was, how was Curtis Flowers dressed that
21 day?

22 A. I just know him when I see him and, you know, he
23 don't interest me, and I just looked at his face, and I knew it
24 was him.

25 Q. So you don't know how he was dressed?

26 A. Uh-uh.

27 Q. Now are you sure you went past Tardy Furniture store
28 that morning?

29 A. Yes, sir.

1 Q. Ms. Fleming, isn't it true that you turned up on
2 Summit Street before you got to Tardy's and went to Summit
3 Street and then down Church Street behind Tardy's Furniture?

4 A. No, sir.

5 Q. You are you absolutely sure?

6 A. I am sure.

7 Q. Now Mr. Harris was driving?

8 A. Yes, sir.

9 Q. Were you telling him where to go?

10 A. I could point, you know, I could point and tell him
11 because he can't hear me.

12 Q. He is hard of hearing?

13 A. (Witness nods her head.)

14 Q. Did he carry you uptown any other time within say a
15 week's time of this particular time you are talking about?

16 A. No, sir.

17 Q. A week before or a week after?

18 A. No, sir.

19 Q. Okay. And you said you did not turn on Summit Street
20 and on to Church Street?

21 A. No, sir.

22 Q. But you did not stop at Tardy's Furniture?

23 A. No, sir.

24 Q. And you said you saw Curtis Flowers running around a
25 big tree at a pink house?

26 A. He was running, he wasn't running around no tree. He
27 was running beside the tree.

28 Q. Beside the tree, okay. And did he cross the street
29 while you were looking?

1 A. Well, I couldn't tell if he crossed the street or
2 not.

3 Q. You didn't see him cross the street?

4 A. No, sir.

5 Q. Now you said something about Mr. Harris looked in
6 his mirror, and you told him to go on, not to stop and pick him
7 up?

8 A. Yes, sir.

9 Q. Do you know what the weather was on July the 16th at
10 10 o'clock in the morning?

11 A. It was hot.

12 Q. It was real hot? Typical July day, wasn't it?

13 A. (Witness nods her head.)

14 Q. All right, you saw Curtis Flowers again over on 51
15 around Fred's. I mean--

16 A. At Jeff's store.

17 Q. Jeff's store, okay. You don't remember what he had
18 on over there?

19 A. I just seen his face.

20 Q. Okay. Was he there when you got there?

21 A. No, sir.

22 Q. Are you related to Curtis Flowers any kind of way?

23 A. No, sir.

24 Q. I believe you said you lived in the vicinity of where
25 his mother lived at one time?

26 A. Yes, sir.

27 Q. Ms. Fleming, have you been offered a reward?

28 A. No, sir.

29 Q. Are you aware there is a reward been offered?

1 A. I didn't know.

2 Q. Do you know now?

3 A. Yeah, I know now.

4 Q. Have you been told that you might receive some
5 reward?

6 A. No, sir.

7 BY MR. BILLY GILMORE: Court indulge me.

8 (Defense Counsel confer briefly.)

9 BY MR. BILLY GILMORE: Tender the witness, Your
10 Honor.

11 REDIRECT EXAMINATION BY MR. EVANS:

12 Q. Ms. Fleming, you remember when you gave a statement
13 about what happened to John Johnson, my investigator?

14 A. Sir?

15 Q. Do you remember giving a statement to John Johnson,
16 my investigator?

17 A. Yes, sir.

18 Q. And you told him exactly the same thing you have told
19 this jury today, didn't you?

20 A. Yes, sir.

21 Q. Including the fact that you went down in front of
22 Tardy's Furniture?

23 A. Yes, sir.

24 Q. Is everything you have told this jury the truth?

25 A. Yes, sir.

26 Q. Have you got any reason to lie on Curtis Flowers?

27 A. No, sir.

28 Q. Is Curtis Flowers the person that was running from
29 Tardy Furniture at 10 o'clock the day of the murders?

1 A. Yes, sir,

2 Q. Do you have any problem remembering the day those
3 four people were killed?

4 A. No, sir.

5 BY MR. EVANS: No further questions, Your
6 Honor. We would ask that this witness be excused.

7 BY THE COURT: Finally excused?

8 BY MR. EVANS: Yes, sir.

9 BY THE COURT: All right, Ms. Fleming you are
10 free to go.

11 WITNESS EXCUSED.

12 BY THE COURT: Okay, who will you have next?

13 BY MR. HORAN: The State calls Patricia
14 Hollman.

15 BY THE COURT: Mr. McIntyre, you can tell those
16 that did not get in that they can come in now if they
17 want in.

18 PATRICIA ANN HOLLMAN,
19 a black female having been called to testify as a witness by
20 the State of Mississippi, having first been duly sworn,
21 testified as follows, to-wit:

22 BY THE COURT: Have a seat right there. State
23 your name for the record, please, ma'am.

24 BY THE WITNESS: My name is Patricia Ann
25 Hollman.

26 BY THE COURT: Okay. Ms. Hollman, the little
27 microphone is the one that amplifies. That will be
28 the one that you need to speak into.

29 BY THE WITNESS: Okay.